



House of Representatives

File No. 726

General Assembly

February Session, 2016

(Reprint of File No. 76)

Substitute House Bill No. 5457
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 25, 2016

AN ACT CONCERNING LOCAL HEALTH DIRECTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-244 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 On and after October 1, 2010, any person nominated to be the
4 director of health shall (1) be a licensed physician and hold a degree in
5 public health from an accredited school, college, university or
6 institution, or (2) hold a graduate degree in public health from an
7 accredited school, college or institution. The educational requirements
8 of this section shall not apply to any director of health nominated or
9 otherwise appointed as director of health prior to October 1, 2010. The
10 board may specify in a written agreement with such director the term
11 of office, which shall not exceed three years, salary and duties required
12 of and responsibilities assigned to such director in addition to those
13 required by the general statutes or the Public Health Code, if any. [He]
14 Such director shall be removed during the term of such written
15 agreement only for cause after a public hearing by the board on

16 charges preferred, of which reasonable notice shall have been given.
17 [He shall devote his entire time to the performance of such duties as
18 are] No director shall, during such director's term of office, have any
19 financial interest in or engage in any employment, transaction or
20 professional activity that is in substantial conflict with the proper
21 discharge of the duties required of directors of health by the general
22 statutes or the Public Health Code and [as the board specifies]
23 specified by the board in its written agreement with [him; and shall]
24 such director. Such director shall serve in a full-time capacity and act
25 as secretary and treasurer of the board, without the right to vote. [He]
26 Such director shall give to the district a bond with a surety company
27 authorized to transact business in the state, for the faithful
28 performance of [his] such director's duties as treasurer, in such sum
29 and upon such conditions as the board requires. [He] Such director
30 shall be the executive officer of the district department of health. Full-
31 time employees of a city, town or borough health department at the
32 time such city, town or borough votes to form or join a district
33 department of health shall become employees of such district
34 department of health. Such employees may retain their rights and
35 benefits in the pension system of the town, city or borough by which
36 they were employed and shall continue to retain their active
37 participating membership therein until retired. Such employees shall
38 pay into such pension system the contributions required of them for
39 their class and membership. Any additional employees to be hired by
40 the district or any vacancies to be filled shall be filled in accordance
41 with the rules and regulations of the merit system of the state of
42 Connecticut and the employees who are employees of cities, towns or
43 boroughs which have adopted a local civil service or merit system
44 shall be included in their comparable grade with fully attained
45 seniority in the state merit system. Such employees shall perform such
46 duties as are prescribed by the director of health. In the event of the
47 withdrawal of a town, city or borough from the district department, or
48 in the event of a dissolution of any district department, the employees
49 thereof, originally employed therein, shall automatically become
50 employees of the appropriate town, city or borough's board of health.

51 Sec. 2. Subsection (a) of section 19a-200 of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective July*
53 *1, 2016*):

54 (a) The mayor of each city, the warden of each borough, and the
55 chief executive officer of each town shall, unless the charter of such
56 city, town or borough otherwise provides, nominate some person to be
57 director of health for such city, town or borough, which nomination
58 shall be confirmed or rejected by the board of selectmen, if there be
59 such a board, otherwise by the legislative body of such city or town or
60 by the burgesses of such borough within thirty days thereafter.
61 Notwithstanding the charter provisions of any city, town or borough
62 with respect to the qualifications of the director of health, on and after
63 October 1, 2010, any person nominated to be a director of health shall
64 (1) be a licensed physician and hold a degree in public health from an
65 accredited school, college, university or institution, or (2) hold a
66 graduate degree in public health from an accredited school, college or
67 institution. The educational requirements of this section shall not
68 apply to any director of health nominated or otherwise appointed as
69 director of health prior to October 1, 2010. In cities, towns or boroughs
70 with a population of forty thousand or more for five consecutive years,
71 according to the estimated population figures authorized pursuant to
72 subsection (b) of section 8-159a, such director of health shall serve in a
73 full-time capacity, except where a town has designated such director as
74 the chief medical advisor for its public schools under section 10-205,
75 and shall not, [engage in private practice] during such director's term
76 of office, have any financial interest in or engage in any employment,
77 transaction or professional activity that is in substantial conflict with
78 the proper discharge of the duties required of directors of health by the
79 general statutes or the Public Health Code and specified by the
80 appointing authority of the city, town or borough in its written
81 agreement with such director. Such director of health shall have and
82 exercise within the limits of the city, town or borough for which such
83 director is appointed all powers necessary for enforcing the general
84 statutes, provisions of the Public Health Code relating to the

85 preservation and improvement of the public health and preventing the
 86 spread of diseases therein. In case of the absence or inability to act of a
 87 city, town or borough director of health or if a vacancy exists in the
 88 office of such director, the appointing authority of such city, town or
 89 borough may, with the approval of the Commissioner of Public
 90 Health, designate in writing a suitable person to serve as acting
 91 director of health during the period of such absence or inability or
 92 vacancy, provided the commissioner may appoint such acting director
 93 if the city, town or borough fails to do so. The person so designated,
 94 when sworn, shall have all the powers and be subject to all the duties
 95 of such director. In case of vacancy in the office of such director, if such
 96 vacancy exists for thirty days, said commissioner may appoint a
 97 director of health for such city, town or borough. Said commissioner,
 98 may, for cause, remove an officer the commissioner or any predecessor
 99 in said office has appointed, and the common council of such city,
 100 town or the burgesses of such borough may, respectively, for cause,
 101 remove a director whose nomination has been confirmed by them,
 102 provided such removal shall be approved by said commissioner; and,
 103 within two days thereafter, notice in writing of such action shall be
 104 given by the clerk of such city, town or borough, as the case may be, to
 105 said commissioner, who shall, within ten days after receipt, file with
 106 the clerk from whom the notice was received, approval or disapproval.
 107 Each such director of health shall hold office for the term of four years
 108 from the date of appointment and until a successor is nominated and
 109 confirmed in accordance with this section. Each director of health shall,
 110 annually, at the end of the fiscal year of the city, town or borough, file
 111 with the Department of Public Health a report of the doings as such
 112 director for the year preceding.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2016	19a-244
Sec. 2	July 1, 2016	19a-200(a)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill does not result in a fiscal impact to the state or municipalities. It changes existing statute by: (1) requiring local directors of health to serve in a full-time capacity, instead of devoting their "entire time" to the performance of their duties and (2) prohibiting them from having financial interest or engaging in any employment, transaction, or professional activity that is in substantial conflict with the proper discharge of their duties.

House "A" struck the underlying bill and replaced it with language discussed above.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5457 (as amended by House "A")******AN ACT CONCERNING LOCAL HEALTH DIRECTORS.*****SUMMARY:**

This bill requires district health directors to serve in a full-time capacity, instead of devoting their “entire time” to performing the duties of the position, as is required under current law. Existing law requires this of certain municipal health directors (see BACKGROUND).

Additionally, it prohibits (1) district health directors and (2) municipal health directors in towns with a population of at least 40,000 for five consecutive years from having a financial interest or engaging in a job, transaction, or professional activity that substantially conflicts with the director’s duties.

By law, a municipal or district health director must (1) be a licensed physician and hold a public health degree from an accredited school, college, university, or institution or (2) hold a graduate public health degree from an accredited school, college, or institution.

*House Amendment “A” replaces the original bill (File 76), which required district health directors to serve in a full-time capacity and prohibited them from engaging in private practice.

EFFECTIVE DATE: October 1, 2016

BACKGROUND***Local Health Departments***

Connecticut has 73 local health departments, of which 53 are full-time departments and 20 are part-time. The full-time departments

include 33 individual municipal health departments and 20 health district departments (multi-town departments serving from two to 20 towns).

Municipal Health Directors

By law, a municipal health director in a town with a population of at least 40,000 for five consecutive years must serve in a full-time capacity. But the director may serve part-time if the town also designates him or her as the chief medical advisor for its public schools.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/07/2016)

Planning and Development Committee

Joint Favorable

Yea 15 Nay 0 (04/04/2016)